

SPENCER NORFLEET.

JANUARY 27, 1897.—Laid on the table and ordered to be printed.

Mr. PARKER, from the Committee on Military Affairs, submitted the following

ADVERSE REPORT.

[To accompany H. R. 7654.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 7654) entitled "A bill for the relief of Spencer Norfleet," beg leave to submit the following report and recommend that said bill do not pass, but that it do lie upon the table:

This is a bill to remove the charge of desertion and grant an honorable discharge dated May 1, 1865. The soldier was mustered January, 1864, and served till July; was detailed as teamster; reported deserted August 31, 1864, and did not rejoin.

In 1888 he testified he served till June, 1865; claims he had permission of his sergeant to go home to see his wife and was left behind. In January, 1896, he testified that he was wounded in June, 1865, and became ill and "stopped out" at City Point, Va. In March, 1896, he swears that he was in the hospital with the wound, threatened with amputation, and left the hospital to avoid it, but stayed near his regiment till June, 1865.

The contradictions are evident. There is no record of medical treatment.

The record and evidence is appended.

Case of Spencer Norfleet, late of Company E, Second United States Colored Cavalry.

It is shown by the records that Spencer Norfleet was enrolled December 25, 1863, and mustered into service January 8, 1864, as a private in Company E, Second United States Colored Cavalry. He appears to have served with his company and regiment until about July 17, 1864, when he was detailed as a teamster in the artillery brigade of the Eighteenth Army Corps, Army of the James. He is reported on a roll of men on extra duty, Eighteenth Army Corps, dated August 31, 1864, as deserted, the exact date of desertion not being stated.

It does not appear that he rejoined his company and regiment which remained in service until February 12, 1866. No record of medical treatment in his case has been found, nor any record that he was ever subsequently under military control.

In an application for removal of the charge of desertion this man testified November 4, 1882, that he enlisted in November or December, 1863, and served to about June 8, 1865, at which date, the company being at Norfolk, Va., en route for Texas, he obtained permission of his orderly sergeant to go home to see his wife, and was left behind.

On January 27, 1896, he testified that in 1865, just before his command was ordered to Texas, he received a gunshot wound in the right arm while doing pioneer duty; and that owing to the swollen and painful condition of his wound he became violently ill and did not accompany his regiment to Texas, but "stopped out" at City Point, Va.

Charles Prince testified January 27, 1896, that he knew the soldier at the time he

was wounded in the right arm; that while he was at City Point, Va., about three or four days before the command was ordered to Texas, affiant saw him; that he was then suffering from said gunshot wound and totally incapacitated for duty.

On February 1, 1896, again testifying, applicant declared that from the time he was taken from his horse to that on which he "withdrew from the service" he did pioneer duty at "Pointy Rock," near Petersburg, Va.; that while on this duty, in the woods cutting timber, a shot came "from somewhere" and struck him in the arm, and that he was always "in sight of and with his regiment" until he "withdrew from the service" in 1865.

The application for removal of the charge of desertion in this case has been repeatedly denied, and now stands denied on the ground that the soldier did not serve faithfully until May 1, 1865, and that it has not been established that he was prevented from completing his term of enlistment by reason of disability contracted in the line of duty, and because the case does not come within any of the other provisions of the act approved March 2, 1889, which is the only law now in force governing the subject of removal of charges of desertion.

Respectfully submitted.

F. C. AINSWORTH,

Colonel, United States Army, Chief Record and Pension Office.

RECORD AND PENSION OFFICE,
War Department, April 2, 1896.

THE SECRETARY OF WAR.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your petitioner, Spencer Norfleet, humbly petitioning, respectfully sheweth unto you that your petitioner, in the month of December, 1863, at Norfolk, Va., enlisted in Company E, Second Regiment United States Cavalry, to serve three years. That he, under said enlistment, served faithfully with his command in all of the engagements in which it was engaged in Virginia up to about the spring or summer of 1864, when he with his command were ordered in front of Petersburg, Va. That your petitioner, with his command, reported to their superior officer at said place and were detached to do pioneer duty. That while doing or performing said duty your petitioner became wounded in the arm (right arm) and was carried to the hospital for treatment. That while your petitioner was at the hospital his arm got no better and the surgeons decided to amputate it. That your petitioner became alarmed at the threatened and impending amputation of his arm and left the hospital and took refuge (with no intention of desertion, but with the fullest intention of returning to his command) in his own regiment and in the camp of regiments of the immediate vicinity of his own regiment. That his arm in the meantime continued to be fevered and greatly swollen, and it remained in said condition until and after the month of June, 1865, when his command was ordered to Texas. That your petitioner, fearing that his arm would be amputated, did not report to the hospital of his command, notwithstanding he stayed in the immediate vicinity of the same until June, 1865, when his command was ordered to Texas. That your petitioner, discouraged at no improvement in his arm at the time of his command being ordered to Texas, did not report either to his command or his hospital, but came to Portsmouth, his home.

In consideration whereof and forasmuch that your petitioner is remediless, save in your honorable body, your petitioner prayeth therefore that the charge of desertion now on the rolls and records of the Adjutant-General of the United States against your petitioner be removed; that an honorable discharge be granted your petitioner from the service hereinbefore mentioned; that your petitioner have such other and further relief in the premises as the nature and circumstances of the case may require and to justice shall seem meet, and your petitioner will ever pray.

his
SPENCER (x) NORFLEET.
mark.

Witnesses to mark:
GEO. A. MELVIN,
R. H. MACKIE.

VIRGINIA, County of Norfolk:

I, Geo. A. Melvin, a notary public within and for the county of Norfolk and State of Virginia, do hereby certify that Spencer Norfleet, whose name is signed to the writing and above petition, has personally appeared before me and made oath that the allegations therein contained are true.

Given under my hand and seal on this 17th day of March in the year 1896.

[SEAL.]

GEO. A. MELVIN, Notary Public.

VIRGINIA, *County of Norfolk*:

I, Charles Pierce, do make oath that on or about the middle of June, 1865, I saw Spencer Norfleet, the applicant, in our camp, which was near his command, just a few days before I went to Texas with my command; that said Spencer Norfleet's right arm was greatly fevered and swollen to the extent that he could not use it, and he seemed to suffer of fever of the body.

his
CHARLES (x) PIERCE.
mark.

GEO. A. MELVIN.
R. H. MACKIE.

Sworn to and subscribed before me by Charles Pierce on this 17th day of March, 1896.

[SEAL.]

GEO. A. MELVIN, *Notary Public*.

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